

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:03CR3050
)	
v.)	
)	
FEENDIOS J. FELIX,)	MEMORANDUM AND ORDER
)	
Defendant.)	

Defendant has moved for additional time in which to file pretrial motions because the government has not yet completed providing defendant with Rule 16 discovery materials. I find that good cause exists for the extension, and the motion should be granted.

Because careful consideration of pretrial discovery to determine whether to file motions is a necessary part of trial preparation, and because the government has apparently not completed its obligations in accordance with NECrimR 16.1, and also because the defendant has concurred in the request for additional time, See, Zedner v. United States, 126 S.Ct. 1976, 2006 WL 1519360 (U.S., June 05, 2006), I shall exclude the time granted by this motion from the calculation of time required by the Speedy Trial Act, 18 U.S.C. § 3161, et seq., because trial preparation includes a reasonable amount of time to consider whether to file pretrial motions. Failure to grant the continuance would unreasonably deny counsel for the defendant adequate time to reasonably prepare effectively for trial, taking into consideration due diligence. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The ends of justice served by granting the defendant's request for additional time to meet his need for counsel who is

fully prepared for trial therefore outweigh the best interests of the public and the defendant in a speedy trial.

IT THEREFORE HEREBY IS ORDERED,

1. The motion, filing 69, is granted, and the defendant is given until July 21, 2006 to file pretrial motions.

2. The time between the filing of the motion and July 21, 2006 is excluded from the calculation of time required by the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

Dated July 10, 2006.

BY THE COURT

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge